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Attorneys for Defendant
Naina Enterprises (CNMI) Inc.
dba Alson's Store

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN MARIANA ISLANDS

MODESTA MANGLONA NADAR,

Plaintiff,

vs.

NAINA ENTERPRISES (CNMI) INC. dba
ALSON'S STORE,

Defendant.

CIVIL ACTION NO. 07-0024

ANSWER OF NAINA ENTERPRISES
(CNMI), INC. dba ALSON'S STORE TO
PLAINTIFF'S AMENDED COMPLAINT

Comes now the Defendant Naina Enterprises (CNMI), Inc., dba Alson's Store and files its answer to the Amended Complaint filed herein by Plaintiff.

1. Defendant denies each and every, all and singular, the allegations contained in Plaintiff's Amended Complaint except as same are specifically admitted herein.

2. Paragraph 1 of the Amended Complaint is admitted.

3. Paragraph 2 of the Amended Complaint is admitted.

PARTIES

4. Paragraph 3 of the Amended Complaint is admitted.

1 5. In answer to paragraph 4 of the Amended Complaint it is admitted that Defendant is a
2 CNMI Corporation and operated Alson's Store on Rota, CNMI. The remaining allegations of
3 paragraph 4 are denied.
4

5 **FACTS**

6 6. In answer to paragraph 5 of the Amended Complaint, Defendant is without sufficient
7 information to form a belief as to the truth of the allegations of said paragraph and therefore
8 same is denied.

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10 7. In answer to paragraph 6 of the Amended Complaint, Defendant is without sufficient
11 information to form a belief as to the truth of the allegations of said paragraph and therefore
12 same is denied.

13 8. In answer to paragraph 7 of the Amended Complaint, Defendant is without sufficient
14 information to form a belief as to the truth of the allegations of said paragraph and therefore
15 same is denied.

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17 9. In answer to paragraph 8 of the Amended Complaint, Defendant is without sufficient
18 information to form a belief as to the truth of the allegations of said paragraph and therefore
19 same is denied.

20 10. In answer to paragraph 9 of the Amended Complaint, Defendant is without sufficient
21 information to form a belief as to the truth of the allegations of said paragraph and therefore
22 same is denied.

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24 11. In answer to paragraph 10 of the Amended Complaint, Defendant is without sufficient
25 information to form a belief as to the truth of the allegations of said paragraph and therefore
26 same is denied.

27 12. Paragraph 11 of the Amended Complaint is denied.
28

13. Paragraph 12 of the Amended Complaint states a legal conclusion and contains no factual allegations to which a response is required. To the extent that such paragraph attempts to state a claim against Defendant, same is denied.

14. Paragraph 13 of the Amended Complaint states a legal conclusion and contains no factual allegations to which a response is required. To the extent that such paragraph attempts to state a claim against Defendant, same is denied.

15. Paragraph 14 of the Amended Complaint states a legal conclusion and contains no factual allegations to which a response is required. To the extent that such paragraph attempts to state a claim against Defendant, same is denied.

16. Paragraph 15 of the Amended Complaint is denied.

17. Paragraph 16 of the Amended Complaint is denied.

18. Paragraph 17 of the Amended Complaint is denied.

FIRST CAUSE OF ACTION

Negligence

Defendant notes that the Amended Complaint does not contain numbered paragraphs 18-27, so Defendant's answer will correspond to the paragraphs as numbered in the Amended Complaint.

19. In answer to paragraph 28 of the Amended Complaint, Defendant re-alleges and incorporates herein its responses to paragraphs 1 through 18 hereinabove set forth.

20. Paragraph 29 of the Amended Complaint states a legal conclusion and contains no factual allegations to which a response is required. To the extent that such paragraph attempts to state a claim against Defendant, same is denied.

21. Paragraph 30 of the Amended Complaint is denied.

1 22. Paragraph 31 of the Amended Complaint is denied.

2 23. Paragraph 32 of the Amended Complaint is denied.

3 24. Paragraph 33 of the Amended Complaint is denied.

4 25. In answer to paragraph 34 of the Amended Complaint, Defendant is without sufficient
5 information to form a belief as to the truth of the allegations of said paragraph and therefore
6 same is denied. Defendant specifically denies it was negligent.

7 26. In answer to paragraph 35 of the Amended Complaint, Defendant is without sufficient
8 information to form a belief as to the truth of the allegations of said paragraph and therefore
9 same is denied.

10 27. In answer to paragraph 36 of the Amended Complaint, Defendant is without sufficient
11 information to form a belief as to the truth of the allegations of said paragraph and therefore
12 same is denied.

13 **FURTHER ANSWER OF DEFENDANT**

14 Comes now Defendant Naina Enterprises (CNMI), Inc. dba Alson's Store, by and through
15 its attorneys, Carlsmith Ball LLP and for its further Answer to the Amended Complaint of the
16 Plaintiff states and avers as follows:

17 1. Plaintiff fails to state a claim upon which relief can be granted.

18 2. Defendant denies that it was in any manner responsible for Plaintiff's claimed injuries.
19 Upon information and belief the proximate cause of Plaintiff's claimed injuries was the
20 negligence of Plaintiff herself and therefore Plaintiff's claims are barred or diminished by the
21 affirmative defenses of contributory negligence and/or comparative fault.

22 3. To the extent that same maybe applicable as revealed through discovery, Defendant
23 alleges the applicability of the affirmative defenses of assumption of risk and failure to mitigate
24 damages.

1 4. Defendant reserves the right to amend its Answer to allege such further and additional
2 affirmative defenses as may be revealed through discovery.

3
4 WHEREFORE, Defendant prays that Plaintiff take naught by her Amended Complaint
5 filed herein, that the costs of this action be assessed to Plaintiff and for such other and further
6 relief as the Court deems just and equitable in the premises.

7 **JURY DEMAND**

8 Defendant hereby demands that this matter be tried to a jury.

9 CARLSMITH BALL LLP

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11 DATED: Saipan, MP, June 9, 2008.

12 /s/ John D. Osborn
13 JOHN D. OSBORN
14 SEAN E. FRINK
15 Attorneys for Defendant
16 Naina Enterprises (CNMI) Inc.
17 dba Alson's Store
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